



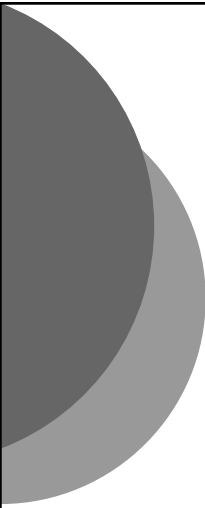
CHILD SUPPORT OVERVIEW

Under Delaware law, both parents have a duty to support their child until the child is 18 years of age, or, if the child is still in high school, until the child graduates or turns 19 years of age, whichever comes first.

A support action begins when one parent files a support petition, requesting the Court to order the other parent to pay child support. After the petition is filed, the Court may order genetic testing to establish paternity, if necessary. Most parents seeking support are represented by the Division of Child Support Enforcement (DCSE). In those cases, DCSE files all actions and pursues administrative remedies also. The Court encourages all parents seeking support to explore the services of DCSE.

After filing a Petition for Child Support, the first time that individuals come to Family Court for a child support order, they must attend a mediation conference, unless it is a petition for child support from an out-of-state agency, which will be scheduled directly with a Commissioner. A Family Court mediator will use the Delaware Child Support Formula to calculate the support amount and try to help the parents reach an agreement as to a support amount. If parents cannot reach an agreement at the mediation conference, a temporary order may issue and a hearing before a Commissioner will occur either on the same day or on a future date.

The amount of child support is set using the Delaware Child Support Formula, sometimes called the “Melson Formula”. The formula considers both parents’ incomes and the needs of the child in arriving at a monthly figure. The formula is used in every case to ensure that the amount is fair and that children receive enough support.



CHILD SUPPORT OVERVIEW, cont'd

If a parent fails to pay support as ordered, DCSE or the person entitled to receive support may file a petition for “arrears”. At the hearing, an additional amount may be added to the order and remedies such as license suspension or incarceration may be considered. Attachment of wages is the most common remedy and will occur upon identification of an employer. An arrears petition is not required for a wage attachment.

Upon a substantial change in circumstances, either parent may file a Petition for Child Support Modification.

THE CHILD SUPPORT PROCESS

